

Court of Appeals, State of Michigan

ORDER

Amerigo Palarchio v Automobile Club Insurance Association

Docket No. 258992

LC No. 02-238086-NF

Karen M. Fort Hood
Presiding Judge

Michael J. Talbot

Brian K. Zahra
Judges

Pursuant to MCR 7.205(D)(2), the Court orders that the October 20, 2004, order of the Wayne County Circuit Court is REVERSED IN PART, to the extent that the trial court ruled on the constitutionality of the 1993 amendments to MCL 600.5851(1), as construed by this Court in *Cameron v ACIA*, 263 Mich App 95; 687 NW2d 354 (2004), lv pending. Because the trial court ruled that the one-year-back rule, MCL 500.3145(1), was judicially tolled and therefore, did not bar plaintiff's claim for attendant care expenses, it was unnecessary for the trial court to address the constitutional issue raised by the parties below. See *People v Higuera*, 244 Mich App 429, 441; 625 NW2d 444 (2001).

In all other respects, the application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 24 2005

Date

Sandra Schultz Mengel
Chief Clerk